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PPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/519,838	12/08/2005	Eduardo N. Mitrani	28888	9337
75	90 11/16/2006		EXAMINER	
Martin Moynihan			KIM, TAEYOON	
Anthony Castorina Suite 207			ART UNIT	PAPER NUMBER
2001 Jefferson Davis Highway Arlington, VA 22202			1651	- <u>-</u> -
			DATE MAILED: 11/16/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)				
Office Action Summary		10/519,838	MITRANI ET AL.				
		Examiner	Art Unit				
		Taeyoon Kim	1651				
Period fo	The MAILING DATE of this communication app or Reply	ears on the cover sheet with the	correspondence address				
WHIC - Exte after - If NC - Failu Any	ORTENED STATUTORY PERIOD FOR REPLY CHEVER IS LONGER, FROM THE MAILING DANSIONS of time may be available under the provisions of 37 CFR 1.13 SIX (6) MONTHS from the mailing date of this communication. O period for reply is specified above, the maximum statutory period vire to reply within the set or extended period for reply will, by statute reply received by the Office later than three months after the mailing ed patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATIO 36(a). In no event, however, may a reply be ti vill apply and will expire SIX (6) MONTHS fron to cause the application to become ABANDONS	N. imely filed in the mailing date of this communication. ED (35 U.S.C. § 133)				
Status							
1)[	Responsive to communication(s) filed on						
2a)□		action is non-final.					
3)	Since this application is in condition for allowar		osecution as to the merits is				
,—	closed in accordance with the practice under E						
Dispositi	ion of Claims						
	<u> </u>						
	<ul> <li>Claim(s) <u>174-218</u> is/are pending in the application.</li> <li>4a) Of the above claim(s) is/are withdrawn from consideration.</li> </ul>						
	5) Claim(s) is/are allowed.						
	6) Claim(s) is/are rejected.						
7)	Claim(s) is/are objected to.						
,	)						
		·					
	on Papers						
9) The specification is objected to by the Examiner.							
10)	10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.						
	Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
	Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11)[	The oath or declaration is objected to by the Ex	aminer. Note the attached Office	Action or form PTO-152.				
Priority u	ınder 35 U.S.C. § 119	·					
	12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.						
	<ul><li>2. Certified copies of the priority documents</li><li>3. Copies of the certified copies of the prior application from the International Bureau</li></ul>	ity documents have been receive (PCT Rule 17.2(a)).	ed in this National Stage				
* S	ee the attached detailed Office action for a list of	of the certified copies not receive	∍d.				
Attachment	(s)		•				
	e of References Cited (PTO-892)	4) Interview Summary					
3) 🔲 Infom	e of Draftsperson's Patent Drawing Review (PTO-948) nation Disclosure Statement(s) (PTO/SB/08) ' No(s)/Mail Date	Paper No(s)/Mail Di 5) Notice of Informal F 6) Other:	ate				
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## **DETAILED ACTION**

Claims 174-218 are pending.

## Election/Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 3.1 and 37 CFR 1.475.

In accordance with these rules, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claims 174-182, drawn to an apparatus for generating micro-organs.

Group II, claims 183-185, drawn to an apparatus for generating micro-organs.

Group III, claim 186, drawn to an apparatus for generating micro-organs.

Group IV, claims 187-189, drawn to a method of generating micro-organs.

Group V, claims 190-206, drawn to a device for micro-organ preparation and delivery.

Group VI, claims 207-212, drawn to a method for micro-organ preparation.

Group VII, claims 213-218, drawn to a micro-forceps.

(a) An international or national stage application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept. Where a group of inventions is claimed in an application, the requirement of unity of invention shall be fulfilled only when there is a technical relationship among those invention

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involving one or more of the same or corresponding special technical features. The expression "special technical features" shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art.

- (b) An international or a national stage application containing claims to different categories of invention will be considered to have unity of invention if the claims are drawn only to one of the following combinations of categories:
  - a product and a process specially adapted for the manufacture of said product; or
  - (2) a product and a process of use of said product; or
  - (3) a product, a process specially adapted for the manufacture of the said product, and a use of the said product; or
  - (4) a process and an apparatus or means specifically designed for carrying out said process; or
  - (5) a product, a process specially adapted for the manufacture of the said product and an apparatus or means specifically designed for carrying out said process.
- (c) If an application contains claims to more or less than one of the combinations of categories of invention set forth in paragraph (b) of this section, unity of invention might not be present.

The groups of invention fall within category (4) a process and an apparatus or means specifically designed for carrying out said process.

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PCT Rule 13.2 does not provide for multiple compositions or multiple methods of use within a single application. Thus, the first appearing composition (Group I) is combined with a corresponding first method of use (Group IV) and the additional composition and method claims each constitute a separate group.

In addition to the requirement that a group of inventions must belong to one of the specific categories provided by PCT Rule 13.2, the inventions in the category, such as a composition (Group I invention) and a method of use of the composition (Group IV invention), must have a special technical feature that unites them. See Patent Rules 1.475, where a special technical feature is a contribution OVER THE PRIOR ART.

The expression "special technical feature" shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art (PCT Rule 13.2). Thus, a feature found in the prior art cannot be considered to be a special technical feature.

Since the apparatus comprising a cutting chamber and an implanting mechanism coupled to the cutting chamber is known in the art, see Fox et al. (US 6,071,284 A), no special technical feature unites these inventions in a category.

Thus, the inventions listed as Groups I and IV do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features as demonstrated above.

This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

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The species are as follows:

Type of tissue or organ: lung, liver, kidney, muscle, spleen, skin, heart, lymph node, bone marrow (claim 209)

The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: Pursuant to PCT Rule 13.2 and PCT Administrative Instructions, Annex B, Part 1(f)(I)(B)(2), the species are not art-recognized equivalents. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one

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or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Taeyoon Kim whose telephone number is 571-272-9041. The examiner can normally be reached on 8:00 am - 4:30 pm ET (Mon-Fri).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Wityshyn can be reached on 571-272-0926. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Taeyoon Kim Patent Examiner Art Unit 1651

Leon B Lankford, Jr Primary Examiner Art Unit 1651